

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

## **DECLARATION OF NICK FERRARA**

I, Nick Ferrara, declare as follows:

1. I am a senior IT litigation consultant employed by DisputeSoft, an independent consulting firm in North Bethesda, Maryland. I have been retained by Bean Kinney & Korman PC, counsel for Defendant Triangle Experience Group, Inc. ("TEG") through DisputeSoft as an expert in connection with this case.

2. I have approximately 20 years' experience in the information technology field, including consulting work, IT management, staffing, and systems administration. While at DisputeSoft, I have consulted on more than 100 matters and have been engaged as an expert in state, national, and international jurisdictions. I have testified both in U.S. federal courts and before the American Arbitration Association.

3. My experience as a consultant at DisputeSoft includes in-depth technical analysis of software projects, source code, and IT systems for clients across numerous industries, including government, finance, health care, pharmaceutical, energy production, insurance, construction, advertising, transportation, and retail. I have conducted dozens of code reviews of computer programs and web solutions written in numerous programming languages and have performed

source code comparisons in numerous cases involving claims of copyright infringement and trade secret misappropriation.

4. In the course of this litigation to date, I have provided declarations in connection with various motions and, most importantly, I provided a written expert report pursuant to Federal Rule of Civil Procedure 26(a)(2)(B) as a witness retained to provide expert testimony in connection with the preliminary injunction motion filed by Plaintiff. In connection with my report, I fully intended to provide oral testimony in open court should the Court schedule an evidentiary hearing on the preliminary injunction motion.

5. I understand that the Court scheduled the evidentiary hearing for the preliminary injunction motion to take place on April 24, 2025.

6. I submit this Declaration in support of Defendants' motion to allow me to testify remotely at the hearing.

7. I am available to testify, and wish to testify, as an expert witness on behalf of Defendants at the evidentiary hearing.

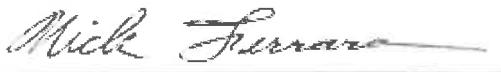
8. On that date, however, I will be located in New Orleans, Louisiana fulfilling a longstanding commitment to appear as a speaker at the America Bar Association (ABA) 2025 Business Law Spring Meeting scheduled for April 24-26 in New Orleans. Specifically, on the morning of April 24 from 8:00 am to 9:00 am Central Time, I will be speaking during a continuing legal education seminar titled "Cracking the Code: Source Code Review for Litigators and Transactional Lawyers."

9. My involvement in this seminar has been planned for months, starting with the seminar initially being proposed in October 2024. I was notified that the seminar was formally selected for conference program on January 9, 2025, and I submitted profile information required

of conference speakers on February 13, 2025. A copy of the email I received from the ABA requesting speaker profile information on February 13, 2025 is included as Exhibit 1, and a copy of an email I received confirming my submitted information on the same day is included as Exhibit 2.

10. Allowing time for questions and local travel from the conference hotel to a suitable place for remote testimony, I am available to testify by contemporaneous transmission from New Orleans beginning as early as 11:00 am Central Time (Noon Indianapolis time).

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on April 2, 2025.



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Nick Ferrara

Nick Ferrara

## Nick Ferrara

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**From:** Alexandria O'Connell <Alexandria.OConnell@americanbar.org>  
**Sent:** Thursday, February 13, 2025 10:35 AM  
**To:** Alexandria O'Connell  
**Subject:** ACTION REQUIRED: Speaker Information Form - 2025 ABA BLS Spring Meeting  
  
**Importance:** High

Good morning,

Thank you for agreeing to participate in the ABA Business Law Section Spring Meeting April 24-26, 2025! The Section takes pride in presenting high-quality educational programming and appreciates your contribution to that effort.

As a panelist or moderator, we ask that you complete the short [Speaker Information Form](#) (<https://form.jotform.com/250364198180155>) by **Thursday, February 20th** (within 1 week). This form should take less than 5 mins to complete. Please review the information below carefully.

- I. [Speaker Information \(page 1\)](#) – Information on this page may be used for your program's description page your listing in the Speaker Library (excluding contact details). Please pay special attention to your name and your firm as these will be published exactly as you submit them.
- II. [Speaker Demographics \(page 2\)](#) – This information will NOT be made public; it is used for internal diversity tracking purposes only. You may select “prefer not to answer” for any of the personal information questions.
- III. [Speaker Release \(pages 3 and 4\)](#) – This information will grant the ABA the right to share your presentation and materials with meeting attendees and members during and after the meeting. For your convenience, please select all the programs you are participating in and enter the title any materials you will be submitting. This will allow you to complete this form once, even if you are participating in multiple CLE programs.

We encourage you to visit the [Spring Meeting Planning Portal](#) for important deadlines, forms, and other helpful information.

### SPEAKER REGISTRATION

**All speakers must register for the meeting and pay the appropriate registration fee per their ABA membership category. Only registered speakers will appear on the meeting roster. Unregistered speakers are unable to claim CLE credit.**

To register for the meeting please visit [this website](#). You can also find other important meeting information on the [meeting website](#), such as hotel room block, agendas, and more.

On behalf of the Business Law Section, we thank you and look forward to a great Spring Meeting!

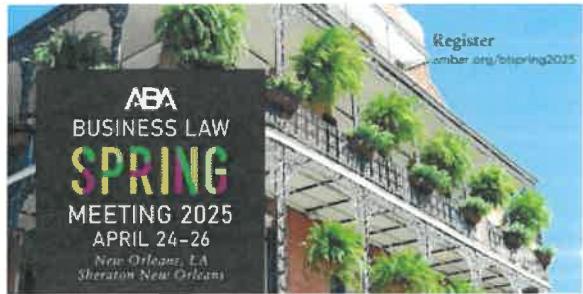
For any questions, please contact me directly.

**Alex O'Connell**

*Senior Meeting Planner*

ABA Business Law Section | 321 N. Clark St. 18<sup>th</sup> FL | Chicago, IL 60654

T: 312.988.5004 | [alexandria.oconnell@americanbar.org](mailto:alexandria.oconnell@americanbar.org)



## Nick Ferrara

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**From:** Business Law Section <noreply@jotform.com>  
**Sent:** Thursday, February 13, 2025 12:35 PM  
**To:** Nick Ferrara  
**Subject:** Speaker Profile Confirmation | Mr. Nick Ferrara

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### SM2025 | Speaker Information Form

Select the program type(s) you will be presenting:

CLE Program

Name	Mr. Nick Ferrara
Email (for internal use only)	nferrara@disputesoft.com
Firm/Affiliation	DisputeSoft
Title	Senior IT Litigation Consultant / Director of Software Development
City/State/Country	Sterling, VA, United States
Brief Bio	Mr. Ferrara has approximately 20 years' experience in the information technology field, including consulting work, IT management, staffing, and systems administration. At DisputeSoft, Mr. Ferrara has been an integral part of more than 100 matters, spanning numerous commercial industries and all of DisputeSoft's core practice areas. Mr. Ferrara has been engaged as an expert in state, national, and international jurisdictions and has testified both in U.S. federal court and before the American Arbitration Association.
Head Shot	I will upload a new photo
File Upload (save the file as your lastname-firstname)	<u><a href="#">Nick-Ferrara.jpeg</a></u>
Gender Identity	Male

Ethnicity	White
Do you identify as a member of the LGBTQ+ community?	No
Do you identify as a person with a disability?	No
ABA/BLS Membership	Not ABA Member
Primary Practice Setting	Small Firm (2-5 attorneys)
Years in Practice	15-19 Years
Thursday, April 24, 2025	Cracking the Code: Source Code Review for Litigators and Transactional Lawyers
Friday, April 25, 2025	Not Applicable
Saturday, April 26, 2025	Not Applicable
Have you prepared any written materials for the programs you selected?	Yes
If you answered yes to the question listed above, please provide the title of the paper or presentation(s). Use the plus-sign-button to add additional items.	The Basics of Software Development for Attorneys
Are you a former or current US Government Employee?	Yes
Was your presentation authored as part of your duties as a US Government employee?	No
Please sign if "yes" is selected. Execution of this Speaker Release does not obligate the ABA to publish the	Yes, I consent to the terms of this speaker release form.

Presentation or other materials.

Signature

A handwritten signature in black ink, appearing to read "Michael J. Turner".